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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,045

04/16/2004

Shawn Michael Van Asdale

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Lena T. Van Asdale
2573 Rampart Terrace
Reno, NV 89509

02/08/2007

EXAMINER

HU, KANG

ART UNIT

PAPER NUMBER

3709

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/826,045	Applicant(s) VAN ASDALE, SHAWN MICHAEL	
	Examiner Kang Hu	Art Unit 3709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/13/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Preliminary amendment filed on 3/24/2005 has been entered.

Claim Objections

2. Claims 1, 2, 8 - 10 and 12 - 18 are objected to because of the following informalities:

Re claim 1(d) recites "each matrix and each indicia" is suggested to be -- each said matrix and each said indicia --. Claims 1(g) and 1(h) recite "each gaming terminal" is suggested to be -- each said gaming terminal --. Claim 1(i) recites "each player" is suggested to be -- each said player --.

Re claim 2(l) recites "each player" and "each card" is suggested to be -- each said player -- and -- each said card --.

Re claims 8-10, 12-15 are objected to because it depends upon claim 0, the following claims will be examined according to the original claims filed.

Re claim 12 recites "each matching indicia" is suggested to be -- each said matching indicia --.

Re claim 16(c) recites "by the network computer" is suggested to be -- by the central computer --.

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16(d) recites “each player” is suggested to be -- each said player --. 16(e) recites “each indicia” is suggested to be -- each said indicia --. 16(g) recites “each player” is suggested to be -- each said player --. 16(j) recites “each gaming terminal” is suggested to be -- each said gaming terminal --. 16(k) recites “each player” is suggested to be -- each said player --. 16(k) recites “select a matching indicia” is suggested to be -- select the matching indicia --.

Re claim 17(l) recites “his defined number of selectively activated daubs” is suggested to be -- his said selectively activated daubs --. 17(m) recites “his defined number of selectively” is suggested to be -- his said defined number of selectively --. 17(n) recites “each card completes” is suggested to be -- each said card completes --. 17(o) recites “a defined bingo pattern” is suggested to be -- a said defined bingo pattern --.

Re claim 18(q) recites “a game-ending pattern” is suggested to be -- the game-ending pattern --. “one player has” is suggested to be -- one said player has --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1 - 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1 recites the limitation “the steps of” in line 2. There is insufficient antecedent basis for this limitation in the claim.

Re claim 2 recites the limitation “to the extent” in line 2. There is insufficient antecedent basis for this limitation in the claim.

Re claim 3 recites the limitation “the steps of”, “to the extent no player has yet” and “the matching indicia”. There are insufficient antecedent basis for these limitations in the claim.

Re claim 7 recites the limitation “the first bingo ball” and “the expected value”. There are insufficient antecedent basis for these limitations in the claim.

Re claim 8 recites the limitation “the ratio”. There is insufficient antecedent basis for this limitation in the claim.

Re claim 16 recites the limitation “the steps of” in line 2. “the decision” in 16(k). There are insufficient antecedent basis for these limitations in the claim.

Re claim 17(i) recites the limitation “the extent”. There is insufficient antecedent basis for this limitation in the claim.

Re claim 18(r) recites the limitation “the first player”. There is insufficient antecedent basis for this limitation in the claim.

Claims 4-6, 9-15, 19 and 20 are considered to be indefinite because they are dependent upon claims 1 and 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Weingardt (US 2002/0113369).

Re claim 1: Weingardt discloses a method of playing a game of electronic bingo, the method comprising the steps of: (a) defining a set of bingo balls; (b) providing a central

computer, said central computer being programmed to randomly draw bingo balls from the defined set of bingo balls; (c) providing a plurality of gaming terminals, said gaming terminals operatively coupled to said central computer to communicate the bingo balls drawn by the central computer; (d) enrolling a plurality of players, each player enrolling by placing a wager at his gaming terminal, the step of enrolling each player further comprising displaying a bingo card on each player's gaming terminal, each of said bingo cards comprising a matrix, each matrix having a plurality of randomly arranged indicia, each indicia corresponding to at least one of the bingo balls in the defined set of bingo balls; (e) allotting each player a defined number of selectively activated daubs; (f) randomly drawing a first group of bingo balls from the set of bingo balls; (g) displaying said first group of bingo balls on each gaming terminal; (h) determining for each gaming terminal any matches between the indicia of each bingo card on said terminals and the first group of bingo balls drawn; (i) allowing each player to individually select for daubing a number of the matching indicia from the first draw, the number of matching indicia the player is allowed to select being any number at the player's option between zero and all of the defined number of selectively activated daubs, where the decision to select or not select a matching indicia is a strategic decision (abstract; ¶ 5, 10, 14 - 17, 25 - 34, 37).

Weingardt further discloses:

Re claim 2: the steps j) to the extent any player has used less than all of his defined number of selectively activated daubs on the matching indicia resulting from the first

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group of bingo balls drawn, drawing an additional bingo ball and automatically daubing the matching indicia on the bingo card of each such player that has at least one remaining selectively activated daub; k) repeating step (j) until each player has used all of his defined number of selectively activated daubs; i) checking the bingo cards of each player to determine if the matching indicia that have been daubed on each card completes at least one of a defined first set of bingo patterns; (m) paying each player who has completed a defined bingo pattern using his allotted number of selectively activated daubs a defined payout (§ 25 - 33, 37).

Re claim 3: (n) defining a second set of bingo patterns as a game- ending patterns; Weingardt did not explicitly teach the steps (o) to the extent no player has yet completed a game- ending pattern, drawing additional bingo balls and daubing the matching indicia on each player's bingo card until at least one player has completed a game- ending pattern; (p) paying the first player who has completed a defined game-ending pattern a defined payout in his invention. Where Weingardt discloses a second set of bingo patterns as a game-ending pattern (§ 37), he did not teach of further drawing additional bingo balls. However he did disclose the conventional way of playing bingo in his application stating that each game is played until a winning card on at least one linked machine is produced (§ 3-5).

Re claim 4: at least one of the game-ending patterns is different than any of the bingo patterns defined by the first set of bingo patterns (§37).

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Re claim 5: all of the game- ending patterns are included in the first set of bingo patterns (¶ 3-5).

Re claim 6: at least one of the game-ending patters is included in the first set of bingo patterns (¶ 3-5, 37).

Re claims 7-10: Weingardt did not explicitly teach that prior to the first bingo ball being drawn, the expected value associated with the first set of bingo patterns is greater than the expected value associated with the set of game-ending patterns The ratio of the expected value associated with the first set of bingo patterns to the expected value associated with the set of game-ending patterns is greater than 16:1; greater than 32:1 and greater than 100:1 However it would be inherent to one of the ordinary skill in the art that the lesser the odd of reaching the first set of bingo pattern, the greater the expected value is associated with it.

Re claim 11: the number of balls drawn in the first group of balls drawn is greater than or equal to the defined number of selectively activated daubs (¶ 32-34).

Re claim 12: a set of auxiliary symbols is defined and an auxiliary symbol is associated with each matching indicia; the auxiliary symbols carrying information thereon and being

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displayed on each player's game terminal such that a player can evaluate his progress toward completing at least one of the defined bingo patterns (§ 25-29).

Re claim 13: a standard deck of playing cards is used as the auxiliary symbols; each matrix is at least 4X13 in size, with each row of the matrix associated with a suit of playing cards and each column of the matrix is incrementally associated with a rank of playing cards, such that each cell of the matrix is associated with exactly one playing card; the set of bingo balls is 52 in number; the first group of bingo balls drawn is 5 in number and each player is allotted 5 selectively activated daubs (abstract; § 26-34).

Re claim 14: a plurality of the defined bingo patterns and the playing cards associated with each such pattern form a poker hand of a standard ranking (abstract; § 37).

Re claim 15: the ratio of the expected value associated with the first set of bingo patterns to the expected value associated with the set of game-ending patterns is greater than 16:1 is not explicitly disclosed in the application. However it would be inherent to one of the ordinary skill in the art that the lesser the odd of reaching the first set of bingo pattern, the greater the expected value is associated with it.

Re claim 16: A method of playing a game of electronic bingo, the method comprising the steps of: (a) defining a set of at least 52 bingo balls; (b) providing a central computer, said central computer being programmed to randomly draw bingo balls from the defined

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set of bingo balls; c) providing a plurality of gaming terminals, said gaming terminals operatively coupled to said central computer to communicate the bingo balls drawn by the network computer; d) enrolling a plurality of players, each player enrolling by placing a wager at his gaming terminal; e) upon enrolling, the gaming terminal displays a bingo card, said bingo card comprising a matrix which is at least 4X13 in size, having a plurality of randomly arranged indicia corresponding to the bingo balls in the defined set of bingo balls; (f) assigning a set of auxiliary symbols corresponding to each position within at least a 4X13 portion of the matrix wherein a standard deck of playing cards is used as the auxiliary symbols; (g) allotting each player at least five selectively activated daubs; (h) randomly drawing a first group of at least 5 bingo balls from the set of bingo balls; (i) displaying said first group of bingo balls on each gaming terminal; (j) determining for each gaming terminal any matches between the indicia of each bingo card on said terminals and the first group of bingo balls drawn; and (k) allowing each player to individually select for daubing a number of the matching indicia in the at least 4X13 portion of the matrix from the first draw, the number of matching indicia the player is allowed to select being any number at the player's option between zero and all of the defined number of selectively activated daubs, where the decision to select or not select a matching indicia is a strategic decision (abstract; ¶ 5, 10, 14 - 17, 25 - 34, 37).

Re claim 17: the steps (1) to the extent any player has used less than all of his defined number of selectively activated daubs on the matching indicia resulting from the first group of bingo balls drawn, drawing an additional bingo ball and automatically daubing

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the matching indicia on the bingo card of each such player that has at least one remaining selectively activated daub; (m) repeating step (i) until each player has used all of his defined number of selectively activated daubs; (n) checking the bingo cards of each player to determine if the matching indicia that have been daubed on each card completes at least one of a defined first set of bingo patterns; and (o) paying each player who has completed a defined bingo pattern using his allotted number of selectively activated daubs a defined payout (abstract; ¶25 - 34, 37).

Re claim 18: the steps of: (p) defining a second set of bingo patterns as a game- ending patterns; Weingardt did not explicitly teach the steps of (q) to the extent no player has yet completed a game- ending pattern; drawing additional bingo balls and daubing the matching indicia on each player's bingo card until at least one player has completed a game- ending pattern; and (r) paying the first player who has completed a defined game- ending pattern a defined payout. Where Weingardt discloses a second set of bingo patterns as a game-ending pattern (¶ 37), he did not teach of further drawing additional bingo balls. However he did disclose the conventional way of playing bingo in his application stating that each game is played until a winning card on at least one linked machine is produced (¶ 3-5).

Re claims 19-20: Weingardt did not explicitly teach that prior to the first bingo ball being drawn, the expected value associated with the first set of bingo patterns is greater than the expected value associated with the set of game-ending patterns and the ratio is greater

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than 16:1. However it would be inherent to one of the ordinary skill in the art that the lesser the odd of reaching the first set of bingo pattern, the greater the expected value is associated with it.

Conclusion

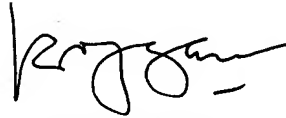
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marnell teaches an electronic poker gaming device and a secondary bingo gaming device. The electronic poker gaming device is electrically coupled to the electronic secondary bingo gaming device. Lind teaches a program product for bingo game for selecting a group of designations from an overall set of designation and matching the selected group of designations to designations associated with the locations on a player card. Lewis teaches a device and a method set forth playing a game of Bingo while at the same time playing Poker.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk(James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
February 5, 2007


KIM NGUYEN
PRIMARY EXAMINER